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FACSIMILE - 571-273-8300 (7 PAGES)

OCT 09 2007

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: JOE D. BROWN

SERIAL NO.: 10/680,426

FILED: October 8, 2003

FOR: APPARATUS AND METHOD FOR CAUSING  
DEFLECTION OF A SURGICAL INSTRUMENT

GROUP ART UNIT: 3735

EXAMINER: A. Farah

ATTY. REFERENCE: BROW3007/BEU

## COMMISSIONER OF PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The below identified communication(s) or document(s) is(are) submitted in the above application or proceeding:

- |  |  |
|--|--|
| <input type="checkbox"/> Declaration       | <input type="checkbox"/> Issue Fee   |
| <input type="checkbox"/> Priority Document | <input type="checkbox"/> Check   |
| <input type="checkbox"/> Formal Drawings   | <input checked="" type="checkbox"/> Copy of formal drawing and receipt card as<br>submitted to PTO on May 24, 2006 |
|  | <input checked="" type="checkbox"/> Petition to Withdraw Holding of Abandonment<br>(37 C.F.R. §1.181(a))           |

☒ Please debit or credit Deposit Account Number 02-0200 for any deficiency or surplus in connection with this communication. A duplicate copy of this sheet is provided for use by the Deposit Account Branch.

☐ Small Entry Status is claimed.

☐

I HEREBY CERTIFY THAT THIS  
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(PRINT) J. Holmer  
(SIGN) J. Holmer  
(DATE) 10/9/07

23364

Customer Number

BACON & THOMAS, PLLC  
625 SLATERS LANE - FOURTH FLOOR  
ALEXANDRIA, VIRGINIA 22314  
(703) 683-0500

DATE: October 9, 2007

Respectfully submitted,

Benjamin E. Urcia  
Attorney for Applicant  
Registration Number: 33,805

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OCT 09 2007

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:	)	Group Art Unit: 3735
Joe D. BROWN	)	Examiner: A. Farah
Serial Number: 10/680,426	)	Attorney Docket: BROW3007/BEU
Filed: October 8, 2003	)	Confirmation No.: 4189

For: Apparatus And Method For Causing Deflection Of A Surgical Instrument

PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT (37 C.F.R. §1.181(a))Honorable Commissioner For Patents  
Washington, D.C. 20231

Sir:

The above application became abandoned on July 11, 2007, for failure to file corrected drawings, pursuant to a PTO-948 form allegedly attached to the Notice of Allowability. However, corrected formal drawings were submitted on May 24, 2006. A copy of the corrected formal drawings and stamped receipt card is attached. Furthermore, no PTO-948 form was attached to the Notice of Allowability.

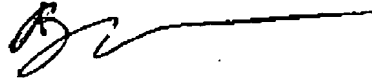
A Notice of Abandonment was mailed on August 8, 2007, and thus this petition is timely filed.

It is believed that the drawings submitted on May 24, 2006, complied with the requirement for formal drawings made in the Official Action March 28, 2006, and that **no further formal drawings were required**. To the contrary, it appears that the reference to the PTO-948 form was inadvertent and that no corrected formal drawings were necessary. Accordingly, Applicant respectfully requests withdrawal of the holding of abandonment.

In accordance with MPEP §711.03(c)(I), no fee is required for the filing of this Petition.

Serial Number 10/680,426

Respectfully submitted,  
BACON & THOMAS, PLLC



Date: October 9, 2007

By: BENJAMIN E. URCIA  
Registration No. 33,805

BACON & THOMAS, PLLC  
625 Slaters Lane, 4th Floor  
Alexandria, Virginia 22314

Telephone: (703) 683-0500

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**BACON & THOMAS**

625 Slaters Lane 4th Fl., Alexandria, VA 22314

**PATENT APPLICATION  
(PENDING)**

Serial No: 10/680,426

Filed: October 8, 2003

Attorney: BROW3007/BEU

Applicant(s): Joe D. Brown

**DUE DATE: 5/28/06**

☒ MAILROOM

☐ ART UNIT

☐

Special Instructions:

The PTO stamp hereon acknowledges receipt of:

☒ 1 - Sheet of Formal Drawings (Figs. 1, 2 and 3)

Filed By: BEU/jsh



OCT 09 2007

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: JOE D. BROWN

SERIAL NO.: 10/680,426

FILED: October 8, 2003

FOR: APPARATUS AND METHOD FOR CAUSING  
DETECTION OF A SURGICAL INSTRUMENT

GROUP ART UNIT: 3735

EXAMINER: Ahmed M. FARAH

ATTY. REFERENCE: BROW3007/BEU

## COMMISSIONER OF PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The below identified communication(s) or document(s) is(are) submitted in the above application or proceeding:

- |   |   |
|---|---|
| <input type="checkbox"/> Declaration  | <input type="checkbox"/> Assignment             |
| <input type="checkbox"/> Priority Document  | <input type="checkbox"/> Check                  |
| <input checked="" type="checkbox"/> 1 - Sheet of Formal Drawings<br>(Figs. 1, 2, and 3) | <input type="checkbox"/> Application Data Sheet |
|   | <input type="checkbox"/>                        |

☒ Please debit or credit Deposit Account Number 02-0200 for any deficiency or surplus in connection with this communication. A duplicate copy of this sheet is provided for use by the Deposit Account Branch.

☐ Small Entity Status is claimed.

☐

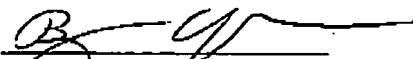
23364

Customer Number

BACON & THOMAS, PLLC  
625 SLATERS LANE - FOURTH FLOOR  
ALEXANDRIA, VIRGINIA 22314  
(703) 683-0500

DATE: May 24, 2006

Respectfully submitted,

  
Benjamin E. Urcia  
Attorney for Applicant  
Registration Number: 33,805